

Exhibit 11

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Aim High Investment Group, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AIM HIGH INVESTMENT GROUP,
 LLC,

Plaintiff/Counter-Defendant,

v.

SPECTRUM LABORATORIES, LLC,

Defendant/Counterclaimant.

Case 2:22-cv-00158-GMN-DJA

**PLAINTIFF’S INITIAL DISCLOSURES
 PURSUANT TO FED. R. CIV. P. 26(a)**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Plaintiff AIM HIGH INVESTMENT GROUP, LLC (jointly “Defendants”), by and through its undersigned counsel of record, hereby makes its initial disclosures. These initial disclosures are based on information presently available to Plaintiff as of this date, recognizing that its investigation continues, and that discovery has just begun. Plaintiff’s investigation of this case is ongoing, and Plaintiff reserves the right to amend, modify, and supplement these initial disclosures at any time as additional information becomes available during the course of discovery.

In making these disclosures, Plaintiff does not purport to identify every individual document, data compilation, or tangible thing possibly relevant to this lawsuit. Rather, Plaintiff’s

1 disclosures represent a good faith effort to identify discoverable information it currently and
2 reasonably believes may be used to support its claims and defenses as required by Fed. R. Civ. P.
3 26(a)(1). Furthermore, Plaintiff makes these disclosures without waiving its right to object to the
4 production of any document, data compilation, or tangible thing disclosed on the basis of any
5 privilege, work product, relevancy, undue burden, or other valid objection. These disclosures do
6 not include information that may be used solely for impeachment purposes. While making these
7 disclosures, Plaintiff reserves, among other rights, (1) the right to object on the grounds of
8 competency, privilege, work product, relevancy and materiality, admissibility, hearsay, or any
9 other proper ground to the use of any disclosed information, for any purpose in whole or in part in
10 this action or any other action, and (2) the right to object on any and all proper grounds, at any
11 time, to any discovery request, discovery motion, or other discovery procedures relating to the
12 persons or documents identified in these initial disclosures or relating to the subject matter of this
13 litigation. In addition, these disclosures do not identify or otherwise include information regarding
14 expert witnesses, as Fed. R. Civ. P. Rule 26(a) does not require Plaintiff to provide such
15 information at this time. The following disclosures are made subject to the above objections and
16 qualifications.

17 **A. WITNESSES**

18 The name and, if known, the address and telephone number of each individual likely to
19 have discoverable information that the disclosing party may use to support its claims or defenses,
20 unless solely for impeachment, identifying the subjects of the information:

- 21 1. Michael Salame
22 c/o Gile Law Group Ltd.
23 1180 N. Town Center Drive, Suite 100
24 Las Vegas, NV 89144
25 Tel. (702) 703-7288

26 This witness is the Manager of Plaintiff and may provide testimony or possess documents
27 or information concerning the facts related to the claims or defenses asserted in this action along
28 with other facts or knowledge that the witness may have which may be relevant in this action.

2. Matt Stephens
c/o SANTORO WHITMIRE

1 10100 W. Charleston Blvd., Suite 250
2 Las Vegas, Nevada 89135
3 Tel.: (702) 948-8771

4 This witness has knowledge of or possesses documents or information concerning the facts
5 related to the claims or defenses asserted in this action, including the patents at issue, along with
6 other facts or knowledge that the witness may have which may be relevant in this action.

7 3. James Keller
8 c/o SANTORO WHITMIRE
9 10100 W. Charleston Blvd., Suite 250
10 Las Vegas, Nevada 89135
11 Tel.: (702) 948-8771

12 This witness has knowledge of or possesses documents or information concerning the facts
13 related to the claims or defenses asserted in this action, including the patents at issue, along with
14 other facts or knowledge that the witness may have which may be relevant in this action.

15 4. Kevin Ezcell
16 c/o SANTORO WHITMIRE
17 10100 W. Charleston Blvd., Suite 250
18 Las Vegas, Nevada 89135
19 Tel.: (702) 948-8771

20 This witness has knowledge of or possesses documents or information concerning the facts
21 related to the claims or defenses asserted in this action, including the patents at issue, along with
22 other facts or knowledge that the witness may have which may be relevant in this action.

23 5. Rule 30(b)(6) Witness(es) for Defendant SPECTRUM LABORATORIES, LLC
24 c/o SANTORO WHITMIRE
25 10100 W. Charleston Blvd., Suite 250
26 Las Vegas, Nevada 89135
27 Tel.: (702) 948-8771

28 This witness has knowledge of or possesses documents or information concerning the facts
related to the claims or defenses asserted in this action, including the allegations in the pleadings,
along with other facts or knowledge that such witness(es) may have which may be relevant in this
action.

6. John Acunto
Tel.: 561-654-1213

1 This witness is Defendant's former CEO and has knowledge of or possesses documents or
2 information concerning the facts related to the claims or defenses asserted in this action along with
3 other facts or knowledge that the witness may have which may be relevant in this action.

4 7. Fran Kusala
5 Address Currently Unknown

6 This witness is Defendant's former operations manager and has knowledge of or possesses
7 documents or information concerning the facts related to the claims or defenses asserted in this
8 action along with other facts or knowledge that the witness may have which may be relevant in
9 this action.

10 8. Fred Robson
11 Woodstock Enterprises Inc.
12 514-800-0491

13 This witness has knowledge of or possesses documents or information concerning the facts
14 related to the claims or defenses asserted in this action along with other facts or knowledge that
15 the witness may have which may be relevant in this action.

16 9. Chris Swain
17 Address Currently Unknown

18 This witness has knowledge of or possesses documents or information concerning the facts
19 related to the claims or defenses asserted in this action along with other facts or knowledge that
20 the witness may have which may be relevant in this action.

21 10. Robert Grimm
22 513 Ventures, LLC
23 8190 Beechmont Ave. Suite 312
24 Cincinnati, OH 45255

25 This witness has knowledge of or possesses documents or information concerning the facts
26 related to the claims or defenses asserted in this action along with other facts or knowledge that
27 the witness may have which may be relevant in this action.

28 11. Kevin Stewart
13238 Middlewood Lane
Fishers, Indiana 46038

This witness has knowledge of or possesses documents or information concerning the facts

1 related to the claims or defenses asserted in this action along with other facts or knowledge that
2 the witness may have which may be relevant in this action.

3 12. Rule 30(b)(6) Witness(es) for Element Materials Technology
4 9240 Santa Fe Springs Road
5 Santa Fe Springs, CA 90670

6 This witness has knowledge of or possesses documents or information concerning the facts
7 related to the claims or defenses asserted in this action, including Defendant's lab testing of
8 Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
9 which may be relevant in this action.

10 13. Rule 30(b)(6) Witness(es) for S & N Labs
11 2021 E. Fourth Street, Suite 112
12 Santa Ana, CA 92705

13 This witness has knowledge of or possesses documents or information concerning the facts
14 related to the claims or defenses asserted in this action, including Defendant's lab testing of
15 Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
16 which may be relevant in this action.

17 14. Rule 30(b)(6) Witness(es) for Micro Quality Labs, Inc.
18 3125 N. Damon Way
19 Burbank, CA 91505

20 This witness has knowledge of or possesses documents or information concerning the facts
21 related to the claims or defenses asserted in this action, including lab testing of Plaintiff's XStream
22 product, along with other facts or knowledge that such witness(es) may have which may be
23 relevant in this action.

24 15. Rule 30(b)(6) Witness(es) for Chemsavers, Inc.
25 287 Thistle St.
26 Bluefield, VA 24605

27 This witness has knowledge of or possesses documents or information concerning the facts
28 related to the claims or defenses asserted in this action, including certain chemical ingredients of
Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
which may be relevant in this action.

1 16. Rule 30(b)(6) Witness(es) for Carolina Biological Supply
2 2700 York Road
3 Burlington, NC 27215-3398

4 This witness has knowledge of or possesses documents or information concerning the facts
5 related to the claims or defenses asserted in this action, including certain chemical ingredients of
6 Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
7 which may be relevant in this action.

8 17. Rule 30(b)(6) Witness(es) for MP Biomedicals
9 29525 Fountain Parkway
10 Solon, OH 44139

11 This witness has knowledge of or possesses documents or information concerning the facts
12 related to the claims or defenses asserted in this action, including certain chemical ingredients of
13 Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
14 which may be relevant in this action.

15 18. Rule 30(b)(6) Witness(es) for DS Services of America, Inc.
16 200 Eagles Landing Dr.
17 Lakeland, FL 33810

18 This witness has knowledge of or possesses documents or information concerning the facts
19 related to the claims or defenses asserted in this action, including the water component of
20 Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may have
21 which may be relevant in this action.

22 19. Rule 30(b)(6) Witness(es) for Botanic Beauty Products Inc.
23 5131 Procyon St.
24 Las Vegas, NV 89118

25 This witness has knowledge of or possesses documents or information concerning the facts
26 related to the claims or defenses asserted in this action, including the manufacturing and copacking
27 of Plaintiff's XStream product, along with other facts or knowledge that such witness(es) may
28 have which may be relevant in this action.

20. Defendant's officers, employees, agents, licensees, customers, and independent
contractors regarding the allegations set forth in the pleadings.

1 21. Any witnesses identified in Defendant's initial disclosures pursuant to Rule
2 26(a)(1), as well as any other witness disclosed or otherwise identified during the course of
3 discovery that Defendant may use to support its counterclaims or defenses.

4 22. Any other persons, experts or entities identified by any party in connection with
5 this matter.

6 23. Any impeachment or rebuttal witness.

7 24. Any custodian of records for of any entity involved in this matter, which witnesses
8 may be required to lay appropriate foundation for admission of documents in this matter.

9 25. Plaintiff reserves the right to supplement this list either to add or delete witnesses
10 in the event that subsequent discovery and/or investigation warrants the same.

11 26. Plaintiff reserves the right to name expert witnesses.

12 27. Plaintiff reserves the right to challenge any witness presented by Defendant on the
13 basis of foundation relevance, hearsay, and other objections necessary.

14 **B. DOCUMENTS**

15 A copy of, or a description by category and location of, all documents, data compilations,
16 and tangible things that are in the possession, custody, or control of the party and that the disclosing
17 party may use to support its claims or defenses, unless solely for impeachment:

18 1. All of the pleadings and papers on file herein and any exhibits attached thereto.

19 2. File wrapper histories for the patents in suit.

20 3. Pre-litigation correspondence between the parties.

21 4. Documents and things relating to the composition and manufacturing Plaintiff's
22 XStream Product.

23 5. Documents and things relating to the preservation of Plaintiff's XStream Product.

24 6. Documents reflecting the analytics of the chemicals and ingredients in Plaintiff's
25 XStream Product.

26 7. Retained samples of lots of Plaintiff's XStream Product.

27 8. Lab test results for Plaintiff's XStream Product.

28 9. Plaintiff reserves the right to amend this production at any time in which documents

1 become available.

2 10. Plaintiff reserves the right to list additional exhibits and documents in the event that
3 subsequent discovery and/or investigation warrants the same.

4 11. Plaintiff reserves the right to use all documents relevant to this litigation, including,
5 without limitation, information relevant to expert, impeachment or rebuttal witnesses.

6 12. Plaintiff reserves the right to submit any exhibit and/or document disclosed by
7 Defendant.

8 13. Plaintiff reserves the right to submit any exhibits as may be necessary for purposes
9 of rebuttal or impeachment.

10 14. Plaintiff reserves the right to use all documents identified in any pleadings or papers
11 filed by any party in this matter. However, this reservation of rights is not a waiver of any
12 objections Plaintiff may have to those documents.

13 15. Plaintiff reserves the right to use all documents identified in the course of discovery
14 in this matter. However, this reservation of rights is not a waiver of any objections Plaintiff may
15 have to those documents.

16 **C. DAMAGES**

17 A computation of any category of damages claimed by the disclosing party, making
18 available for inspection and copying as under Rule 34 the documents or other evidentiary material,
19 not privileged or protected from disclosure, on which such computation is based, including
20 materials bearing on the nature and extent of injuries suffered:

21 Not Applicable. However, upon prevailing against Defendant's Counterclaim, Plaintiff
22 intends to seek a finding that this case is exceptional and seek its attorney's fees and costs under
23 35 U.S.C. §285. Plaintiff cannot presently calculate the amount of such fees and costs it will seek
24 as such fees remain ongoing and continuous until such time as judgment against Defendant is
25 entered.

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D. INSURANCE

For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:

None.

Dated: May 16, 2022

Respectfully Submitted,

GILE LAW GROUP, LTD.

/s/ Ryan Gile

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Los Angeles, California 90036

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Attorney for Plaintiff/Counter-Defendant

Aim High Investment Group, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2022, I served a full, true and correct copy of the foregoing
PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a) via email
on the following parties:

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